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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 GOOGLE LLC,

13 Plaintiff,

14 vs.

15 SONOS, INC.,

16 Defendant.

CASE NO. 3:20-cv-06754-WHA

**FIRST AMENDED COMPLAINT FOR  
DECLARATORY JUDGMENT OF NON-  
INFRINGEMENT OF U.S. PATENT NOS.  
9,967,615; 10,779,033; 9,344,206;  
10,469,966; AND 9,219,460**

**DEMAND FOR JURY TRIAL**

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21 **FIRST AMENDED COMPLAINT FOR DECLARATORY JUDGMENT OF NON-**  
22 **INFRINGEMENT OF U.S. PATENT NOS. 9,967,615; 10,779,033; 9,344,206; 10,469,966;**  
23 **AND 9,219,460**

24 1. Plaintiff Google LLC ("Google") seeks a declaratory judgment of non-infringement  
25 of United States Patent Nos. 9,967,615; 10,779,033; 9,344,206; 10,469,966; and 9,219,460 as  
26 follows:  
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1 **NATURE OF THE ACTION**

2 2. This is an action for a declaratory judgment of non-infringement arising under the  
3 patent laws of the United States, Title 35 of the United States Code. Google requests this relief  
4 because Defendant Sonos, Inc. (“Sonos”) claims that Google infringes United States Patent Nos.  
5 9,967,615 (“the ’615 patent”); 10,779,033 (“the ’033 patent”); 9,344,206 (“the ’206 patent”);  
6 10,469,966 (“the ’966 patent”); and 9,219,460 (“the ’460 patent”) (collectively, the “Patents-in-  
7 Suit”) by making, using, selling, offering for sale, and/or importing the following products:  
8 Chromecast, Chromecast Ultra, Chromecast Audio, Chromecast with Google TV, Home Mini,  
9 Nest Mini, Home, Home Max, Home Hub, Nest Hub, Nest Hub Max, Nest Audio, Nest Wifi  
10 Point, YouTube Music app, Google Play Music app, YouTube app, Google Home app, and  
11 Google’s “Pixel” phones, tablets, and laptops (collectively, “Google Accused Products”). Sonos’  
12 litigation campaign has harmed the reputations of these Google Accused Products; and Sonos’  
13 affirmative allegations of infringement of the Patents-in-Suit by the Google Accused Products has  
14 created a justiciable controversy between Google and Sonos.

15 3. As a result of Sonos’ communication to Google of its intention to pursue claims of  
16 infringement of the Patents-in-Suit against Google, Google is under reasonable apprehension of  
17 suit by Sonos.

18 **THE PARTIES**

19 4. Plaintiff Google LLC is a subsidiary of Alphabet Inc. with its principal place of  
20 business located at 1600 Amphitheatre Parkway, Mountain View, California 94043.

21 5. Defendant Sonos, Inc. is a Delaware corporation with headquarters at 614 Chapala  
22 Street, Santa Barbara, California 93101.

23 **JURISDICTIONAL STATEMENT**

24 6. This action arises under the Declaratory Judgment Act, 28 U.S.C. § 2201, and  
25 under the patent laws of the United States, 35 U.S.C. §§ 1-390.

26 7. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331,  
27 1338(a), and 2201(a).

8. This Court has personal jurisdiction over defendant Sonos. Sonos is registered to do business in the State of California (Registration No. C2465272), has its headquarters in the State of California, and has offices in this District. Sonos, directly and through agents, regularly does, solicits, and transacts business in this District and elsewhere in the State of California.

9. Venue is proper in this District under 28 U.S.C. Section 1391. Sonos has a regular and established place of business in this District—specifically, offices and employees located at 550 Montgomery Street, Suite 750, San Francisco, CA 94111. Sonos lists this San Francisco office on its website (<https://www.sonos.com/en-us/contact>, a true and correct copy of which is attached as Exhibit 1), and the Sonos office at this location is advertised by Sonos as a current place of business (including in the building’s directory in the public lobby). Also, a substantial part of the events giving rise to Google’s claim occurred in this District, and because Sonos is subject to personal jurisdiction here. For example, on September 28, 2020, Sonos sent an email to a Google employee who works in this District indicating that Sonos will be initiating a case against Google LLC asserting infringement of the Patents-in-Suit.

10. An immediate, real, and justiciable controversy exists between Google and Sonos as to whether Google is infringing or has infringed the Patents-in-Suit.

#### **INTRADISTRICT ASSIGNMENT**

11. For purposes of intradistrict assignment under Civil Local Rules 3-2(c) and 3-5(b), this Intellectual Property Action will be assigned on a district-wide basis.

#### **SONOS’ CAMPAIGN AGAINST GOOGLE**

12. Google was founded in 1998, and has a mission to organize the world’s information and make it universally accessible and useful. Over the past two decades, in service of that mission, Google has become one of the world’s most innovative technology companies.

13. Google’s revolutionary advances in search, software, mobile computing, wireless networking, content streaming, machine learning, and voice-assisted technologies including speech recognition and advanced audio processing, have changed and improved millions of lives.

14. As part of its commitment to innovation, Google has invested significantly in extensive research and development efforts, including its own research, as well as investments in

1 and acquisitions of other cutting-edge technology companies. Google is the current assignee of  
2 tens of thousands of patents worldwide.

3 15. Google partners with other companies to bring Google's innovations to millions of  
4 shared customers. In particular, Google has long had a continued partnership with Sonos. In these  
5 collaborations, Sonos has repeatedly asked Google for assistance, so that Sonos could employ  
6 Google technology to improve Sonos' products.

7 16. In 2013, Sonos asked for Google's assistance to integrate with Google's popular  
8 Play Music service. Google gave Sonos that assistance, and provided significant engineering  
9 resources, technical support, and other resources to integrate Sonos' products with Google's Play  
10 Music service in 2014.

11 17. In 2016, Sonos again asked for Google's assistance—this time to integrate with  
12 Google's innovative Assistant software. And again, Google was willing to help. Google gave  
13 Sonos significant assistance in designing, implementing, and testing a solution that would bring  
14 Google's voice recognition software to Sonos' devices. This effort again involved substantial  
15 Google engineering resources, including significant months of employee work time, for the initial  
16 launch of Google's Assistant on Sonos' products in May 2019.

17 18. Google is proud of its more than five-year partnership with Sonos, and has worked  
18 constructively with Sonos to make the companies' products work seamlessly by building special  
19 integrations for Sonos. For instance, when Google rolled out the ability to set a Sonos speaker as  
20 the default option for Google Assistant, it was the first time Google had done that for any partner  
21 company.

22 19. Sonos has made false claims about the companies' shared work and Google's  
23 technology in lawsuits that Sonos filed against Google earlier this year. The parties are also  
24 engaged in an additional litigation here in the Northern District of California, Case No. C 3-20-cv-  
25 03845-EMC.

26 **GOOGLE DOES NOT INFRINGE THE PATENTS-IN-SUIT**

27 20. The Google Accused Products do not directly or indirectly infringe any claim of the  
28 Patents-in-Suit, literally or under the doctrine of equivalents.

21. No third party infringes any claim of the Patents-in-Suit by using a Google product or service. Google has not caused, directed, requested, or facilitated any such infringement, much less with specific intent to do so. The Google Accused Products are not designed for use in any combination that infringes any claim of the Patents-in-Suit. To the contrary, each has substantial uses that do not infringe any claim of the Patents-in-Suit.

### **FIRST COUNT**

#### **(Declaration of Noninfringement of 9,967,615)**

22. Google restates and incorporates by reference the allegations in paragraphs 1 through 21 of this Complaint as if fully set forth herein.

23. Sonos claims to own all rights, title, and interest in and under the '615 patent. A true and correct copy of the '615 patent is attached hereto as Exhibit 2.

24. Google does not directly or indirectly infringe the '615 patent, either literally or under the doctrine of equivalents, at least because the Google Accused Products do not comprise a tangible, non-transitory computer-readable storage medium including instructions for execution by a processor, the instructions, when executed, cause a control device to implement a method comprising: (1) causing a graphical interface to display a control interface including one or more transport controls to control playback by the control device; (2) after connecting to a local area network via a network interface, identifying playback devices connected to the local area network; (3) causing the graphical interface to display a selectable option for transferring playback from the control device; (4) detecting a set of inputs to transfer playback from the control device to a particular playback device, wherein the set of inputs comprises: (i) a selection of the selectable option for transferring playback from the control device and (ii) a selection of the particular playback device from the identified playback devices connected to the local area network; (5) after detecting the set of inputs to transfer playback from the control device to the particular playback device, causing playback to be transferred from the control device to the particular playback device, (6) wherein transferring playback from the control device to the particular playback device comprises: (a) causing one or more first cloud servers to add multimedia content to a local playback queue on the particular playback device, wherein adding the multimedia content to the

1 local playback queue comprises the one or more first cloud servers adding, to the local playback  
 2 queue, one or more resource locators corresponding to respective locations of the multimedia  
 3 content at one or more second cloud servers of a streaming content service; (b) causing playback  
 4 at the control device to be stopped; and (c) modifying the one or more transport controls of the  
 5 control interface to control playback by the playback device; and (7) causing the particular  
 6 playback device to play back the multimedia content, wherein the particular playback device  
 7 playing back the multimedia content comprises the particular playback device retrieving the  
 8 multimedia content from one or more second cloud servers of a streaming content service and  
 9 playing back the retrieved multimedia content.

10 25. For example, the Chromecast, Chromecast Ultra, Chromecast Audio, Chromecast  
 11 with Google TV, Home Mini, Nest Mini, Home, Home Max, Home Hub, Nest Hub, Nest Hub  
 12 Max, Nest Audio, Nest Wifi Point, YouTube Music app, Google Play Music app, YouTube app,  
 13 Google Home app, and Google's "Pixel" phones, tablets, and laptops do not include the claimed  
 14 transfer or addition to a "local playback queue on the particular playback device." All the  
 15 independent claims of the '615 patent include limitations requiring "transferring playback from the  
 16 control device to the particular playback device." '615 patent, Claims 1, 13 and 25. Transferring  
 17 playback comprises "causing one or more first cloud servers to add multimedia content to a local  
 18 playback queue on the particular playback device" *Id.* This functionality is not included in any of  
 19 the Google Accused Products, according to Google's understanding of this limitation of the '615  
 20 patent. For example, the Google Accused Products do not include a local queue on an alleged  
 21 remote playback device for playback of media. Instead, the alleged playback device (i.e.,  
 22 Chromecast, Chromecast Ultra, Chromecast Audio, Chromecast with Google TV, Home Mini,  
 23 Nest Mini, Home, Home Max, Home Hub, Nest Hub, Nest Hub Max, Nest Audio, Nest Wifi  
 24 Point) requests each song one-by-one to play back. Accordingly, none of the Google Accused  
 25 Products include the claimed transfer or addition to a "local playback queue on the particular  
 26 playback device" and consequently also do not perform any of the recited steps in connection with  
 27 the local playback queue. Because the terms "causing one or more first cloud servers to add  
 28 multimedia content to a local playback queue on the particular playback device" are included in

1 every independent claim of the '615 patent, none of the Google Accused Products infringe any  
2 claims of the '615 patent.

3 26. No third party infringes any claim of the '615 patent by using a Google product or  
4 service. Google has not caused, directed, requested, or facilitated any such infringement, much  
5 less with specific intent to do so. The Google Accused Products are not designed for use in any  
6 combination which infringes any claim of the '615 patent. To the contrary, each has substantial  
7 uses that do not infringe any claim of the '615 patent.

8 27. A substantial, immediate, and real controversy therefore exists between Google and  
9 Sonos regarding whether Google infringes the '615 patent. A judicial declaration is appropriate  
10 and necessary to determine the parties' respective rights regarding the '615 patent.

11 28. Google seeks a judgment declaring that Google does not directly or indirectly  
12 infringe any claim of the '615 patent.

### 13 **SECOND COUNT**

#### 14 **(Declaration of Noninfringement of 10,779,033)**

15 29. Google restates and incorporates by reference the allegations in paragraphs 1  
16 through 26 of this Complaint as if fully set forth herein.

17 30. Sonos claims to own all rights, title, and interest in and under the '033 patent. A  
18 true and correct copy of the '033 patent is attached hereto as Exhibit 3.

19 31. Google does not directly or indirectly infringe the '033 patent, either literally or  
20 under the doctrine of equivalents, at least because the Google Accused Products do not comprise a  
21 computing device comprising: (1) at least one processor; (2) a non-transitory computer-readable  
22 medium; and (3) program instructions stored on the non-transitory computer-readable medium  
23 that, when executed by the at least one processor, cause the computing device to perform functions  
24 comprising: (4) operating in a first mode in which the computing device is configured for  
25 playback of a remote playback queue provided by a cloud-based computing system associated  
26 with a cloud-based media service; (5) while operating in the first mode, displaying a  
27 representation of one or more playback devices in a media playback system that are each (i)  
28 communicatively coupled to the computing device over a data network and (ii) available to accept

1 playback responsibility for the remote playback queue; (6) while displaying the representation of  
 2 the one or more playback devices, receiving user input indicating a selection of at least one given  
 3 playback device from the one or more playback devices; (7) based on receiving the user input,  
 4 transmitting an instruction for the at least one given playback device to take over responsibility for  
 5 playback of the remote playback queue from the computing device, wherein the instruction  
 6 configures the at least one given playback device to (i) communicate with the cloud-based  
 7 computing system in order to obtain data identifying a next one or more media items that are in  
 8 the remote playback queue, (ii) use the obtained data to retrieve at least one media item in the  
 9 remote playback queue from the cloud-based media service; and (iii) play back the retrieved at  
 10 least one media item; (8) detecting an indication that playback responsibility for the remote  
 11 playback queue has been successfully transferred from the computing device to the at least one  
 12 given playback device; and (9) after detecting the indication, transitioning from (i) the first mode  
 13 in which the computing device is configured for playback of the remote playback queue to (ii) a  
 14 second mode in which the computing device is configured to control the at least one given  
 15 playback device's playback of the remote playback queue and the computing device is no longer  
 16 configured for playback of the remote playback queue.

17 32. For example, the Chromecast, Chromecast Ultra, Chromecast Audio, Chromecast  
 18 with Google TV, Home Mini, Nest Mini, Home, Home Max, Home Hub, Nest Hub, Nest Hub  
 19 Max, Nest Audio, Nest Wifi Point, YouTube Music app, Google Play Music app, YouTube app,  
 20 Google Home app, and Google's "Pixel" phones, tablets, and laptops do not include the claimed  
 21 instruction "wherein *the* instruction configures the at least one given playback device to (i)  
 22 communicate with the cloud-based computing system in order to obtain data identifying a next  
 23 one or more media items that are in the remote playback queue, (ii) use the obtained data to  
 24 retrieve at least one media item in the remote playback queue from the cloud-based media service;  
 25 and (iii) play back the retrieved at least one media item." (emphasis added). All independent  
 26 claims of the '033 patent include limitations requiring "operating in a first [playback] mode."  
 27 '033 patent, Claims 1, 12 and 15. While operating in this first mode, the computing device  
 28 transmits an instruction to the playback device, "wherein *the* instruction configures the at least one



1 given playback device to (i) communicate with the cloud-based computing system in order to  
 2 obtain data identifying a next one or more media items that are in the remote playback queue, (ii)  
 3 use the obtained data to retrieve at least one media item in the remote playback queue from the  
 4 cloud-based media service; and (iii) play back the retrieved at least one media item” *Id.* The  
 5 Google Accused Products do not include a single instruction that performs all these functions.  
 6 While Google does not admit it performs any of these claim limitations, at a minimum, it uses  
 7 multiple different “instructions” when a user is employing the Cast protocol to play audio on a  
 8 remote playback device, such as a Google Home Max. Because these terms are included in every  
 9 independent claim of the ’033 patent, none of the Google Accused Products infringe any claims of  
 10 the ’033 patent.

11 33. No third party infringes any claim of the ’033 patent by using a Google product or  
 12 service. Google has not caused, directed, requested, or facilitated any such infringement, much  
 13 less with specific intent to do so. The Google Accused Products are not designed for use in any  
 14 combination which infringes any claim of the ’033 patent. To the contrary, each has substantial  
 15 uses that do not infringe any claim of the ’033 patent.

16 34. A substantial, immediate, and real controversy therefore exists between Google and  
 17 Sonos regarding whether Google infringes the ’033 patent. A judicial declaration is appropriate  
 18 and necessary to determine the parties’ respective rights regarding the ’033 patent.

19 35. Google seeks a judgment declaring that Google does not directly or indirectly  
 20 infringe any claim of the ’033 patent.

### 21 **THIRD COUNT**

#### 22 **(Declaration of Noninfringement of 9,344,206)**

23 36. Google restates and incorporates by reference the allegations in paragraphs 1  
 24 through 31 of this Complaint as if fully set forth herein.

25 37. Sonos claims to own all rights, title, and interest in and under the ’206 patent. A  
 26 true and correct copy of the ’206 patent is attached hereto as Exhibit 4.

27 38. Google does not directly or indirectly infringe the ’206 patent, either literally or  
 28 under the doctrine of equivalents, at least because the Google Accused Products do not comprise a

1 multimedia controller including a processor, the controller configured to: (1) receive, via a  
2 network interface, a zone configuration from a first independent playback device of a plurality of  
3 independent playback devices, wherein the zone configuration is configured via the controller and  
4 maintained at the first independent playback device, and wherein the zone configuration  
5 characterizes one or more zone scenes, each zone scene identifying a group configuration  
6 associated with two or more of the plurality of independent playback devices; and (2) cause a  
7 selectable indication of the received zone configuration to be displayed, wherein the displayed  
8 selectable indication is selectable to cause one or more of the zone scenes to be invoked by two or  
9 more of the plurality of independent playback devices.

10         39. For example, the Chromecast, Chromecast Ultra, Chromecast Audio, Chromecast  
11 with Google TV, Home Mini, Nest Mini, Home, Home Max, Home Hub, Nest Hub, Nest Hub  
12 Max, Nest Audio, Nest Wifi Point, YouTube Music app, Google Play Music app, YouTube app,  
13 Google Home app, and Google's "Pixel" phones, tablets, and laptops do not include the claimed  
14 "zone scene[s]," including at the one or more claimed playback devices. "Zone scene"  
15 functionality is not included in any of the Google Accused Products, according to Google's  
16 understanding of the term. The Google Accused Products in some configurations and instances  
17 include conventional speaker grouping functionality. For example, Chromecast (1st gen) does not  
18 support speaker grouping. But the patent repeatedly distinguishes conventional speaker grouping  
19 from the claimed "zone scene" technology. For example, the '206 patent describes speaker groups  
20 as "groups." *E.g.*, '206 patent at 1:56-2:10. To contrast, the '206 patent describes "one aspect of  
21 the present invention" as "a mechanism [] provided to allow a user to group some of the players  
22 according to a theme or scene . . . ." *E.g., id.* 2:30-33. None of the Google Accused Products  
23 provide the "zone scene" functionality as described in the '206 patent, including at the one or  
24 more claimed playback devices, but instead only contain conventional speaker grouping in certain  
25 configurations or instances. Because the term "zone scene" is included in every independent  
26 claim of the '206 patent, none of the Google Accused Products infringe any claims of the '206  
27 patent.



1 the first zone scene to be transmitted to the first zone player, and (iii) causing storage of the first  
 2 zone scene; (7) receiving a second request to create a second zone scene comprising a second  
 3 predefined grouping of zone players including at least the first zone player and a third zone player  
 4 that are to be configured for synchronous playback of media when the second zone scene is  
 5 invoked, wherein the third zone player is different than the second zone player; (8) based on the  
 6 second request, (i) causing creation of the second zone scene, (ii) causing an indication of the  
 7 second zone scene to be transmitted to the first zone player, and (iii) causing storage of the second  
 8 zone scene; (9) displaying a representation of the first zone scene and a representation of the  
 9 second zone scene; and (10) while displaying the representation of the first zone scene and the  
 10 representation of the second zone scene, receiving a third request to invoke the first zone scene;  
 11 and (11) based on the third request, causing the first zone player to transition from operating in the  
 12 standalone mode to operating in accordance with the first predefined grouping of zone players  
 13 such that the first zone player is configured to coordinate with at least the second zone player to  
 14 output media in synchrony with output of media by at least the second zone player.

15 46. For example, the Chromecast, Chromecast Ultra, Chromecast Audio, Chromecast  
 16 with Google TV, Home Mini, Nest Mini, Home, Home Max, Home Hub, Nest Hub, Nest Hub  
 17 Max, Nest Audio, Nest Wifi Point, YouTube Music app, Google Play Music app, YouTube app,  
 18 Google Home app, and Google's "Pixel" phones, tablets, and laptops do not include the claimed  
 19 "zone scene[s]," including at the one or more claimed "zone players." "Zone scene" functionality  
 20 is not included in any of the Google Accused Products, according to Google's understanding of  
 21 the term. The Google Accused Products in certain configurations and instances include  
 22 conventional speaker grouping functionality. For example, Chromecast (1st gen) does not support  
 23 speaker grouping. But the patent repeatedly distinguishes conventional speaker grouping from  
 24 the claimed "zone scene" technology. For example, the '966 patent describes speaker groups as  
 25 "groups." *E.g.*, '966 patent at 1:62-2:17. To contrast, the '966 patent describes "one aspect of the  
 26 present invention" as "a mechanism [] provided to allow a user to group some of the players  
 27 according to a theme or scene . . . ." *E.g.*, *id.* 2:38-41. None of the Google Accused Products  
 28 provide the "zone scene" functionality as described in the '966 patent, including at the one ore

1 more claimed “zone players,” but instead only contain conventional speaker grouping in certain  
2 configurations or instances. Because the term “zone scene” is included in every independent  
3 claim of the ’966 patent, none of the Google Accused Products infringe any claims of the ’966  
4 patent.

5 47. No third party infringes any claim of the ’966 patent by using a Google product or  
6 service. Google has not caused, directed, requested, or facilitated any such infringement, much  
7 less with specific intent to do so. The Google Accused Products are not designed for use in any  
8 combination which infringes any claim of the ’966 patent. To the contrary, each has substantial  
9 uses that do not infringe any claim of the ’966 patent.

10 48. A substantial, immediate, and real controversy therefore exists between Google and  
11 Sonos regarding whether Google infringes the ’966 patent. A judicial declaration is appropriate  
12 and necessary to determine the parties’ respective rights regarding the ’966 patent.

13 49. Google seeks a judgment declaring that Google does not directly or indirectly  
14 infringe any claim of the ’966 patent.

15 **FIFTH COUNT**

16 **(Declaration of Noninfringement of 9,219,460)**

17 50. Google restates and incorporates by reference the allegations in paragraphs 1  
18 through 41 of this Complaint as if fully set forth herein.

19 51. Sonos claims to own all rights, title, and interest in and under the ’460 patent. A  
20 true and correct copy of the ’460 patent is attached hereto as Exhibit 6.

21 52. Google does not directly or indirectly infringe the ’460 patent, either literally or  
22 under the doctrine of equivalents, at least because the Google Accused Products do not comprise:  
23 a playback device, comprising: (1) a speaker; (2) a microphone that is physically coupled to the  
24 speaker; (3) a processor; (4) a network interface; (5) a data storage; and (6) a program logic stored  
25 in the data storage and executable by the processor to: (7) emit a first audio signal from the  
26 speaker; (8) detect, via the microphone, a second audio signal, wherein at least a portion of the  
27 second audio signal is a reflection of the first audio signal; (9) in response to the detecting,  
28 determine a first reflection characteristic based on at least the second audio signal; (10) adjust an

1 equalization setting of the playback device based on at least the first reflection characteristic; and  
2 (11) play, via the speaker, an audio track according to the equalization setting.

3       53. As an initial matter, except for the Google Home Max, none of the Google Accused  
4 Products include the relevant Room EQ feature that Sonos has alleged infringes the claims of the  
5 '460 patent. Those products therefore do not infringe on that basis. For the Google Home Max, it  
6 does not include the claimed "first audio signal" or "second audio signal" to determine a  
7 "reflection characteristic." Specifically, the claim language of the '460 patent distinguishes  
8 between an "audio signal" and an "audio track," indicating that they are not the same. *See, e.g.*,  
9 '460 patent, Claim 1 ("emitting, by a playback device, a first audio signal... causing an audio  
10 track to play according to the adjusted equalization setting."). The specification also refers to the  
11 first audio signal several times as a curated audio signal to enhance detection of "reflection  
12 characteristics." *See, e.g.*, '460 Patent, 12:43-45 ("For instance, the first audio signal may include  
13 a pulse. Such a pulse may be a recording of a brief audio pulse that approximates an audio impulse  
14 signal."). The claimed "audio signal" in the '460 patent is thus separate and distinct from the  
15 "audio track" that is played according to the equalization settings that are adjusted based on  
16 reflection characteristics. Google Home Max, on the other hand, simply plays back media and  
17 does not include a separate "audio signal" as claimed. It therefore does not include the claimed  
18 first or second "audio signal" or determine reflection characteristic that adjust equalization settings  
19 based on an audio signal that is separate and distinct from the audio track itself. Because the  
20 terms "first audio signal," "second audio signal," and "reflection characteristic" are included in  
21 every independent claim of the '460 patent, none of the Google Accused Products infringe any  
22 claims of the '460 patent.

23       54. No third party infringes any claim of the '460 patent by using a Google product or  
24 service. Google has not caused, directed, requested, or facilitated any such infringement, much  
25 less with specific intent to do so. The Google Accused Products are not designed for use in any  
26 combination which infringes any claim of the '460 patent. To the contrary, each has substantial  
27 uses that do not infringe any claim of the '460 patent.

28

1           55.     A substantial, immediate, and real controversy therefore exists between Google and  
2 Sonos regarding whether Google infringes the '460 patent. A judicial declaration is appropriate  
3 and necessary to determine the parties' respective rights regarding the '460 patent.

4           56.     Google seeks a judgment declaring that Google does not directly or indirectly  
5 infringe any claim of the '460 patent.

6                               **PRAYER FOR RELIEF**

7           WHEREFORE, Google prays for judgment as follows:

8                   A.     Declaring that the Google Accused Products do not infringe, directly or  
9 indirectly, the Patents-in-Suit;

10                  B.     Declaring that Google does not induce infringement of the Patents-in-Suit;

11                  C.     Declaring that Google does not contributorily infringe on the Patents-in-  
12 Suit;

13                  D.     Declaring that judgment be entered in favor of Google and against Sonos on  
14 Google's claims;

15                  E.     Finding that this is an exceptional case under 35 U.S.C. § 285;

16                  F.     Awarding Google its costs and attorneys' fees in connection with this  
17 action; and

18                  G.     Granting Google such further and additional relief as the Court deems just  
19 and proper.  
20

21 DATED: December 11, 2020

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

22  
23  
24  
25 By           /s/ Charles K. Verhoeven          

26 Charles K. Verhoeven  
27 Attorneys for GOOGLE LLC  
28

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Google respectfully  
demands a trial by jury on all issues triable by jury.

DATED: December 11, 2020

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

By /s/ Charles K. Verhoeven  
Charles K. Verhoeven  
Attorneys for GOOGLE LLC